RESIDENT IN MYSORE.

NOTIFICATION.

No. 11. *The 4th January* 1886.

The following rules to regulate the qualification, admission, enrolment, suspension, and dismissal of Advocates and Pleaders in the Civil and Military Station of Bangalore, having been sanctioned by the Government of India, are published for general information, in supersession of those published with the Notification by the Chief Commissioner of Mysore, No. 273, dated 18th February 1879 :—

1. Except as provided in the Codes of Civil and Criminal Procedure, or in any other law for the time being in force, no person shall appear, plead, or act for another in any Court in the Civil and Military Station of Bangalore, unless he has been enrolled as an Advocate or Pleader under these rules :

Provided that any person accused before any Criminal Court of an offence may, with the permission of the Court, but not otherwise, appoint any person to assist him in his defence :

Provided further that any person, ex-officio or otherwise, authorized to act for Government in respect of any judicial proceeding, may make, and do appearances, acts, and applications, within the scope of his authority on behalf of Government.

2. Advocates duly enrolled under the provisions of these rules shall be entitled to appear, plead and act in the Court of the Resident in Mysore and in all Courts in the Civil and Military Station of Bangalore subordinate thereto, whether Civil or Criminal.

3. There shall be two grades of Pleaders, *viz.*, Pleaders of the 1st grade and Pleaders of the 2nd grade.

4. Pleaders of the 1st grade shall be entitled to appear, plead and act in all the Courts in the Civil and Military Station of Bangalore, whether Civil or Criminal, except in the Court of the Resident in Mysore.

5. Pleaders of the 2nd grade shall be entitled to appear, plead and act in the Courts of all Magistrates in the Civil and Military Station of Bangalore and in any Civil Court that may be established in the said station subordinate to the Court of the District Judge.

6. The following persons are qualified for admission as Advocates of the Court of the Resident in Mysore :—

(*a*) Any person who has been enrolled as and is an Advocate under the Advocates and Pleaders' Rules, dated 18th February 1879.

(*b*) Any person who has been enrolled as and is an Advocate of the Chief Court of Mysore under the Mysore Legal Practitioners' Regulation III of 1884.

(*c*) Any Barrister of any of the Inns of Court in England or Ireland, or any Member of the Faculty of Advocates in Scotland.

(*d*) An Advocate, Vakil or Attorney of any of the High Courts of Judicature in British India.

(*e*) Any person who has obtained the degree of Master of Laws or Bachelor of Laws in any British or Indian University, or who has passed the examination prescribed by the High Court of Madras for Pleaders of the 1st grade, and who produces a certificate of respectability and of good moral conduct.

7. The following persons are qualified for admission as Pleaders of the 1st grade :—

(*a*) Any person who has been enrolled as and is a Pleader of the 1st grade under the Advocates and Pleaders' Rules, dated 18th February 1879.

(*b*) Any person who has been enrolled as and is a Pleader of the 1st grade in Mysore under the Mysore Legal Practitioners' Regulation III of 1884.

8. The following persons are qualified for admission as Pleaders of the 2nd grade :—

(*a*) Any person who has been enrolled as and is a Pleader of the 2nd grade under the Advocates and Pleaders' Rules, dated 18th February 1879.

(*b*) Any person who has been enrolled as and is a Pleader of the 2nd grade in Mysore under the Mysore Legal Practitioners' Regulation III of 1884.

(*c*) Any person who has passed the examination prescribed from time to time by the Chief Court of Mysore for Pleaders of the 2nd grade.

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9. Every person duly qualified under Rule 6, 7 or 8 may apply to the Court of the Resident in Mysore to be admitted under these rules as an Advocate or as a Pleader of the first or of the second grade as the case may be. The application shall be accompanied by certificates proving the qualifications of the applicant under these rules.

Provided that no person who has now been allowed to practise in the Courts of the Civil and Military Station of Bangalore, shall be allowed to continue practising in the said Courts after three months from the date of the promulgation of these rules, unless he has been admitted by the Resident in Mysore under these rules.

The Resident in Mysore may, *if he think fit*, grant the application, and on the application being granted, the name of the Advocate or of the Pleader of the first or second grade, shall be entered in the roll of Advocates or Pleaders, which shall be kept in the Court of the Resident, and an extract from the roll shall be furnished to the applicant, and to the Court or Courts in which he is authorized to practise.

10. The Resident in Mysore may suspend or dismiss any Advocate or Pleader enrolled under the foregoing rules, who is convicted of any criminal offence implying a defect of character, which unfits him to be an Advocate or Pleader, or who is guilty of fraudulent or grossly improper conduct in the discharge of his professional duty.

11. If any Advocate or Pleader, practising in the Resident's Court or in any Court subordinate thereto, is charged in such Court with fraudulent or grossly improper conduct in the discharge of his professional duty, the Judge of the Court shall cause a formal charge to be drawn up setting forth concisely and exactly the alleged misconduct and shall send a copy of the charge to the said Advocate or Pleader, and also a notice that on a day to be therein appointed, such charge will be taken into consideration. Such copy and notice shall be served upon the Advocate or Pleader at least 10 days before the day so appointed. On such day or any subsequent day to which the enquiry may be adjourned, the Court shall receive and record all evidence properly adduced in support of the charge or by the Advocate or Pleader, and shall proceed to adjudicate upon the charge.

12. If the Judge is the Judge of a Court subordinate to the Resident's Court, and he finds the charge established, and considers that the Advocate or Pleader should be suspended or dismissed in consequence, he shall record his finding and the grounds thereof, and shall report the same to the Resident's Court, and that Court shall proceed to acquit, suspend or dismiss the Advocate or Pleader.

13. Such report, when made by the Judge of any Court subordinate to the District Court, or by any Magistrate subordinate to the District Magistrate, shall be submitted through the District Judge or through the District Magistrate, as the case may be, who shall append to the report any remarks that he may think necessary and an expression of his own opinion of the case.

14. The District Judge or the District Magistrate may, pending the investigation and orders of the Resident's Court, suspend any Pleader charged before him or before any Court or Magistrate subordinate to him.

15. The Resident's Court, in any case in which an Advocate or Pleader has been acquitted otherwise than by an order of its own, may call for the record and pass such order thereon as it may deem fit.

16. The Resident's Court may also direct that any charge preferred against an Advocate or Pleader in any Court subordinate to it, shall be transferred for adjudication to itself or to any other Court of equal or superior grade to that in which the charge is preferred.

17. The suspension of any Advocate or Pleader shall be noted in the roll of Advocates or Pleaders in the Resident's Court, and notice thereof shall be sent to all Courts subordinate to that Court.

18. The name of any Advocate or Pleader dismissed under the foregoing provisions shall be struck off the roll of Advocates or Pleaders in the Resident's Court, and notice thereof shall be sent to all Courts subordinate to that Court.

By Order,

J. H. NEWILL,
Assistant to the Resident.